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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Solomon, Walter

Serial No.: 09/648,930

Filed: August 25, 2000

For: Buoyant Waterfowl Decoy with Interchangeable Movable Appendages

Group Art Unit: 3643

Examiner:

Assistant Commissioner of Patents
United States Patent and Trademark Office
Washington, D.C. 20231

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Preliminary Amendment

261.00 OP
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Applicant files this Preliminary Amendment and requests that the above-identified application be amended as follows:

In The Related Application Data

This invention is a continuation in part of previously filed patent application 09/354,025 filed on July 15, 1999, which is a continuation in part of application 09/247,842 filed on February 10, 1999, which is a continuation in part of application 09/158,950 filed on September 21, 1998, which is a continuation in part of application 09/675,960, now U.S. Patent No. 5,809,683, filed on July 5, 1996.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: July 3, 2001

D. Scott Hemingway
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In the Specification

On page 1, line 2, delete “generally.”

On page 2, line 22, between “produces” and “movement” insert -- wing and/or paddle --.

On page 3, line 6, between “of” and “appendages” insert -- wing and/or paddle --.

On page 3, line 7 between “movement,” and “propulsion” insert -- providing --.

On page 3, line 7, delete “,” after “propulsion”.

On page 3, line 8, delete “by”.

On page 3, line 13, after “apparatus” insert -- using attachable wing and/or foot appendages --.

On page 3, line 13, delete “The” and insert -- One embodiment of the --.

On page 3, line 14, after “buoyancy” insert -- through the use of a removable buoyant base made from a cell foam plastic material. Another embodiment disclosed in the Figures allows the decoy to be pole mounted through a pole insert in the base of the decoy --.

On page 3, line 20, delete “provide” and insert -- providing --.

On page 4, line 4, delete “escape” and insert -- freely drain --.

On page 4, line 5, delete the second “is”.

On page 4, line 6, delete “provided with” and insert -- has --.

On page 4, line 7, after “extend.” insert -- The invention can also be used with a more conventional hollow decoy body with an access portal cut in the top of the decoy body.--.

On page 4, line 9, delete “means” and insert -- assemblies --.

On page 4, line 15, after "float" insert -- and perpendicular to the longitudinal axis of the decoy --.

On page 4, line 15, delete "means" and insert -- assemblies --.

On page 4, line 17, insert between "assembly" and "is" --, either wing, paddle, or a combination of one or the other, --.

On page 4, line 19, after "assembly" insert -- and the associated wing and/or paddle appendages --.

On page 5, line 9, insert between "interchangeably" and "used" -- and separably --.

On page 5, line 11, delete "rotating".

On page 5, line 11, between "individually" and "or" insert -- , separately, --.

On page 5, line 12, delete "both may be connected to a drive shaft to operate in unison" and insert -- in combination on one or more separate assemblies on the same or separate drive shafts --.

On page 5, line 14, after "hub" insert -- , --.

On page 5, line 14, delete "component".

On page 5, line 14, delete "of the drive assembly of" and insert -- extending from --.

On page 5, line 15, delete ", respectively,".

On page 5, line 19, delete the third "the" and insert -- a --.

On page 5, line 20, delete "paddles" and insert -- paddle structures --.

On page 5, line 21, after "decoy." insert -- The wing assembly is intended to visually mimic flapping wings, and the combination of a wing and paddle assembly causes considerable motion and splashing on the surface of the water. --.

On page 5, line 22, between "be" and "controlled" insert -- further --.

On page 5, line 22, between "controlled" and "by" insert -- and influenced --.

On page 6, line 2, delete "in detail".

On page 7, line 9, between "2" and "a" insert -- , --.

On page 7, line 20, insert at the end of the paragraph -- In another embodiment, the decoy 1 has a conventional closed bottom with an access portal or flap cut through the top 5 of the decoy body 1. --.

On page 8, line 2, delete "is caused to be rotate" and insert -- rotates --.

On page 9, line 4, delete the first "the".

On page 9, line 17, at the end of the line insert -- or foot --.

On page 9, line 21, delete the second "the".

On page 9, line 21, between "assembly" and "," insert -- 19 --.

On page 9, line 22, delete "means," and insert -- is --.

On page 10, line 1, delete "is provided".

On page 10, line 1, between "shaft" and "and" insert -- 16 --.

On page 10, line 2, between "the" and "appendage" insert -- paddle --.

On page 10, line 2, between "assembly" and "to" insert -- 19 --.

On page 10, line 3, between "to" and "and" insert -- each other --.

On page 10, line 4, between "aperture" and "." insert -- 23 --.

On page 10, line 6, between "paddles" and "are" insert -- 25 --.

On page 10, line 6, between "hub" and "." insert -- 22 --.

On page 10, line 6, after “hub.” insert -- The end of the paddles 25 are paddle structures that may be (1) flat, elongated appendages, (2) flat, oval-shaped appendages, or (3) flat, circular appendages. These structures may also be integrated into the paddle 25 itself or may be removable structures. Combinations of wing and different foot paddles may be used, and even used alternatively on different moving wing or foot paddle struts or axles of the decoy. --.

On page 10, line 7, delete the sentence and insert -- Each paddle 25, whether elongated, oval, or circular, is of sufficient length such that a portion of the paddle structure will extend below the surface of the water when the appendage assembly 19 is connected to and rotated by the drive shafts 16 with the decoy 1 floating on the water surface. --.

On page 10, line 9, delete “means” and insert -- motor 11 --.

On page 10, line 9, delete “are caused to” and insert -- 22 --.

On page 10, line 10, between “paddles” and “through” insert -- 25 --.

On page 10, line 10, between “decoy” and “along” insert -- 1 --.

On page 10, line 11, between “decoy” and “in” insert -- 1 --.

On page 10, line 11, delete “movement” and insert -- rotation --.

On page 10, line 11, between “paddles” and “through” insert -- 25 --.

On page 10, line 12, delete “means” and insert -- motor 11 --.

On page 10, line 13, between “embodiment” and “each” insert -- , --.

On page 10, line 13, after “assembly” insert -- 19 --.

On page 10, line 14, delete “opposed”.

On page 10, line 15, between “aperture” and “,” insert -- 23 --.

On page 10, line 15, delete “rotating” and insert -- a --.

On page 10, line 15, delete “assemblies” and insert -- assembly 20 --.

On page 10, line 16, delete “assemblies” and insert -- assembly 19 --.

On page 10, line 16, after the end of the sentence, insert -- The paddles 25 and associated hub 22 may also be separately formed and connected in any convenient manner. The shaft 16 may extend completely through the body of hub 22 so that a wing assembly 20 may be attached. A foot paddle 25 may alternatively be coupled to, or integrated with, any one of the hubs 22. --.

On page 10, line 17, between “assembly” and “,” insert -- 20 --.

On page 10, line 18, between “hub” and “to” insert -- 27 --.

On page 10, line 18, between “shaft” and “or” insert -- 16 --.

On page 10, line 19, between “hub” and “and” insert -- 27 --.

On page 10, line 20, between “wing” and “generally” insert -- 30 --.

On page 10, line 20, between “28” and “.” insert --and shaft 16 or shaft extension 26--

On page 10, line 21, delete “elongate” and insert -- elongated --.

On page 10, line 22, between “wing” and “is” insert -- 30 --.

On page 11, line 1, between “wings” and “and” insert -- 30 --.

On page 11, line 1, between “hubs” and “may” insert -- 27 --.

On page 11, line 1, between “and” and “connected” insert -- separately --.

On page 11, line 2, at the end of the sentence, insert -- The wing 30 and paddle 25 appendages may also be part of a single hub 22 or separately connected upon a drive shaft 16

using two hubs 22 and 27. A foot paddle 25 may alternatively be coupled to, or integrated with, any one of the hubs 22. --.

On page 11, line 2, delete "is" and insert -- 30 are --.

On page 11, line 2, after "shafts" insert -- 16 --.

On page 11, line 3, delete "means is" and insert -- motors 11 are --.

On page 11, line 3, delete "are caused to" and insert -- 30 --.

On page 11, line 5, between "wing" and "a" insert -- 30 --.

On page 11, line 6, delete ", if desired".

On page 11, line 7, between "shafts" and "extending" insert -- 16 --.

On page 11, line 8, delete "are caused to".

On page 11, line 8, delete "by activation of the".

On page 11, line 9, delete "drive means."

On page 11, line 10, between "wings" and "may" insert -- 30 --.

On page 11, line 10, delete "move through" and insert -- enter --.

On page 11, line 11, between "wing" and "rotates" insert -- 30 --.

On page 11, line 12, between "assemblies" and "and" insert -- 19 --.

On page 11, line 12, between "assemblies" and "may" insert -- 20 --.

On page 11, line 13, delete "as illustrated in Figures 5 and 3, respectively,".

On page 11, line 13, delete "may be used".

On page 11, line 13, delete second ", as".

On page 11, line 14, delete "shown in Figure 4" and insert -- in any convenient manner as desired --.

On page 11, line 14, between "hub" and "of" insert -- 22 or 27 --.

On page 11, line 14, between "assembly" and "is" insert -- 19 or 30 --.

On page 11, line 15, between "aperture" and "," and insert -- 23 or 28 --.

On page 11, line 15, delete "screw is" and insert -- screws 24 or 29 --.

On page 11, line 16, delete "assembly" and insert -- two separate assemblies --.

On page 11, line 16, between "assemblies" and "are" insert -- 19 --.

On page 11, line 17, between "assemblies" and "are" insert -- 20 --.

On page 11, line 18, between "assemblies" and "," insert -- 19 --.

On page 11, line 18, after "extensions 26." insert -- Alternatively, the shaft 16 can extend completely through the hub 22 so that both a paddle assembly 19 or a wing assembly 20 can be attached to shaft 16, or any combination of both paddle assembly 19 and wing assembly 20 may be so attached. --.

On page 11, line 19, delete "means" and insert -- motor 11 --.

On page 11, line 19, delete "are caused to".

On page 11, line 19, between "together" and "in" insert -- or --.

On page 11, line 21, between "wings" and "." insert -- and paddling feet --.

On page 11, line 22, delete "means" and insert -- motor 11 --.

On page 12, line 1, at the end of the sentence insert -- In another embodiment, a wing assembly 20 and a paddle assembly 19 could be placed on separate drive shafts or moving struts to mimic waterfowl movement and water splashing. --.

On page 12, line 4, delete "the" and insert -- a --.

On page 12, line 8, between "assembly" and "includes" insert -- of Figure 12 --.

On page 12, line 9, between “includes” and “wings” insert -- two --.

On page 12, line 9, delete “However, unlike” and insert -- Unlike --.

On page 12, line 10, between “assembly” and “,” insert -- 20 --.

On page 12, line 10, delete “in” and insert -- opposite to each other on --.

On page 12, line 11, delete “opposed relation to”.

On page 12, line 12, between “axis” and “rotation” insert -- of --.

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In the Claims

Add new claims 21 - 49:

21. A waterfowl decoy, comprising:
- a body portion with a longitudinal axis, a forward end, a tail end, a top, a bottom, two opposing sides, and a hollow interior;
 - at least one drive assembly within the decoy body; and
 - at least one appendage attached to the drive assembly by a connector so as to provide motion when the drive assembly is activated.
22. The waterfowl decoy of Claim 21 wherein the bottom is composed of a buoyant base having sufficient buoyancy to float the decoy.
23. The waterfowl decoy of Claim 22 wherein the buoyant base is removable and provides access to the interior of the decoy.
24. The waterfowl decoy of Claim 22 wherein the buoyant base is composed of a closed cell foam material.
25. The waterfowl decoy of Claim 21 wherein the connector includes at least one rotatable shaft extending outward from the side of the decoy.

26. The waterfowl decoy of Claim 25 wherein the decoy has a plurality of rotatable shafts.
27. The waterfowl decoy of Claim 25 wherein at least one appendage is attached to a rotatable shaft.
28. The waterfowl decoy of Claim 25 wherein at least one of said appendages includes a wing mounted on said shaft.
29. The waterfowl decoy of Claim 25 wherein at least one of said appendages includes a foot paddle mounted on said shaft.
30. The waterfowl decoy of Claim 25 wherein an appendage is mounted to a rotatable shaft with a single molded structure.
31. The waterfowl decoy of Claim 21 wherein at least one appendage rotates.
32. The waterfowl decoy of Claim 21 wherein the bottom has an aperture for mounting onto a pole.
33. The waterfowl decoy of Claim 21 wherein the drive assembly speed is adjustable.

34. The waterfowl decoy of Claim 21 wherein the drive assembly operation is intermittently interruptible.

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35. A waterfowl decoy comprising:
- a body portion with a longitudinal axis, a forward end, a tail end, a top, a bottom, two opposing sides, a hollow interior, and at least one drive shaft rotated by a drive mechanism, with said shaft extending from one side of the decoy; and
- at least one appendage having a hub and a hub aperture to slide onto said drive shaft.
36. The waterfowl decoy of Claim 35 wherein the drive mechanism is an electric motor.
37. The waterfowl decoy of Claim 35 wherein said appendage is an elongated wing structure attached to said hub.
38. The waterfowl decoy of Claim 35 wherein said appendage is a foot paddle structure attached to said hub.
39. The waterfowl decoy of Claim 35 wherein said appendage is either a wing appendage or a foot appendage.
40. The waterfowl decoy of Claim 35 wherein said appendage can include a wing appendage or a foot paddle appendage located on separate hubs each on a separate rotating shaft.

41. The waterfowl decoy of Claim 35 wherein said appendage is a single molded structure.
42. The waterfowl decoy of Claim 35 wherein said drive mechanism speed is adjustable.
43. The waterfowl decoy of Claim 35 wherein said drive mechanism operation is intermittently interruptible.

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44. A method for imparting movement to a waterfowl decoy, comprising:
- providing a waterfowl decoy with a hollow body, a head end, a tail end, a top, and a bottom, with a longitudinal axis running from the head end to the tail end;
 - providing at least one drive mechanism inside the hollow body of the decoy driving a connector extending from each side of the body;
 - providing at least one appendage attached to said connector; and
 - moving the appendage coupled to said connector.
45. The method for imparting movement to a waterfowl decoy of Claim 44 wherein the appendage is a wing.
46. The method for imparting movement to a waterfowl decoy of Claim 44 wherein the appendage is a foot paddle.
47. The method for imparting movement to a waterfowl decoy of Claim 44 wherein a wing and a foot paddle appendage are attached to the same connector.
48. The method of imparting movement to a waterfowl decoy of Claim 44 wherein the drive mechanism is an electric motor.

49. The method of imparting movement to a waterfowl decoy of Claim 44 wherein the connector is a rotatable shaft.

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Remarks

The specification has been amended to correct and clarify features of the preferred embodiment, minor informalities, and improve the form thereof. New claims 21- 49 have been added to provide a more adequate basis for the protection of the invention. This Amendment changes the number of claims, increasing the number of independent claims from two (2) to five (5) and the total number of claims from twenty (20) to forty-nine (49). Accordingly, a small entity fee for the amendment in the amount of \$341.00 is enclosed with this Preliminary Amendment. If additional fees are required, please deduct the appropriate amount from the deposit account of D. Scott Hemingway, Deposit Account No. 501,270.

Respectfully submitted,

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